IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4350 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUNVANTRAI S UPADHYAY - Petitioner(s)
Versus
DISTRICT DEVELOPMENT OFFICER & 1 - Respondent(s)

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Appearance :
MR BIREN A VAISHNAV for Petitioner(s) : 1,
Mr. Dipen Desai, AGP for Respondent(s) : 1,
MR KH BAXI for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 24/01/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, order or

direction quashing and setting aside the letter/order dated 31.7.1996 issued by the respondents. It is further prayed for an appropriate writ, order or direction directing the respondents to grant to the petitioner benefit of stepping up of his pay equal to that of his junior Shri R.S. Jodhani from the date of promotion, i.e., from 28.3.1972.

2. Apart from the fact that the benefit which was given to his junior Shri RS Jodhani has been withdrawn which was the basis of the petition, it has not been disputed that the dispute which has been raised in the present petition is squarely covered by the judgment of the Division Bench of this Court dated 28th March 2002 passed in Letters Patent Appeal No. 257 of 1999. In view of the above and for the reasons stated in the judgment dated 28th March 2002 in LPA No. 257

of 1999, the present Special Civil Application is

dismissed. Rule is discharged. No costs.

[M.R. Shah, J.]

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